

**01905**

**1995/08/00**

UNCLASSIFIED

ALIEN SMUGGLING

(ERSAN)

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OBJECTIVES:

- o To stress the importance the U.S. attaches to deterring alien smuggling and to expanding our cooperation with China to crack down on smuggling organizations.
- o To gain China's commitment that future repatriations of their citizens need not be conducted from U.S. territory, as was the recent case with the migrants from the M/V Jung Sheng No. 8, for both humanitarian and deterrence reasons.
- o To inform the Chinese of continuing congressional interest in the treatment of returned migrants, particularly the implementation of China's population control policies, and to stress the importance we attach to their not being subject to mistreatment or persecution.

BACKGROUND:

- o As a result of the February 1995 Presidential Directive to deter alien smuggling, the Departments of State and Justice have reviewed current efforts and are developing new actions to deter trafficking in illegal migrants. We are expanding diplomatic and law enforcement efforts, including cooperation with source and transit countries.
- o We have had some successes so far, yet the problem continues. On July 4, The U.S. Coast Guard interdicted the Jung Sheng No. 8, a converted fishing vessel carrying 156 illegal Chinese migrants, crew and enforcers 960 miles southeast of Hawaii. This was the third vessel interdicted this year.
- o In a departure from successful repatriation procedures followed over the past two years, the Chinese demanded their citizens from the Jung Sheng No. 8 be returned from U.S. territory. On August 7, the migrants were returned from Wake Island, an unincorporated U.S. territory where the Immigration and Nationality Act does not apply.
- o This new requirement caused the migrants to remain at sea and delayed their return to China. This is contrary to humanitarian principles and agreements reached when Assistant Secretary Gelbard visited China in 1994.

DEPARTMENT OF STATE	IS FPC/CDR	Date 2/13/97
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- o Requiring that we escort smuggled illegal migrants to U.S. territory only assists smugglers and negates our successful policy of speedily returning migrants as a deterrent to future smuggling attempts.
- o Members of Congress continue to express concern about the treatment of migrants when they return to China, particularly the implementation of China's population control policies. Our missions in China have investigated the status of returned migrants and have found no incidents of imprisonment or mistreatment.

KEY POINTS:

- o Alien smuggling is an issue of great concern to us. The President has made U.S. border security and stopping alien smuggling high priorities for his administration.
- o We greatly appreciate the enforcement measures the Government of China has undertaken thus far and hope they will continue.
- o On July 4, The U.S. Coast Guard interdicted the M/V Jung Sheng No. 8, a converted fishing vessel carrying 156 illegal migrants, crew and enforcers 960 miles southeast of Hawaii. After Chinese refusal to accept the migrants from other than U.S. territory, the migrants were repatriated from Wake Island August 7.
- o The Chinese refusal to accept repatriation from a third country caused the migrants to remain at sea and delayed their rejoining their families much longer than necessary. This is contrary to humanitarian principles and agreements reached between our governments under which we have conducted successful repatriations for two years.
- o We have agreed in the past that the speedy return of illegal migrants is an important deterrent to future alien smuggling attempts. Forcing the migrants to U.S. territory only makes it more attractive for alien smugglers to continue their trade.
- o There is continued interest from the Congress about the treatment of migrants when they return to China, particularly implementation of China's population control policies. We know your government considers the migrants victims and does not persecute them upon their return. We hope this policy will continue.

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Clearances:

INL/ICJ:RPerito  
EAP:PNeureiter  
G:AJoyce  
P:BNichols